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IN THE NATION | Tom Wicker

The Usual Suspects

When politicians don't know what to do about complicated problems — terrorism, say, or espionage — they have at least three panaceas to fall back on: Cracking down on the press, tightening "security" laws and making outraged speeches.

All three are prominent in the wake of the Trans World Airline jet hijacking and the Walker spy case. The effect on terrorism and espionage will be considerably less evident.

Attorney General Edwin Meese 3d went to London, for example, to tell the American Bar Association that he agreed with Prime Minister Margaret Thatcher of Britain — where the press already is far more tightly controlled than in the United States — that news organizations should adopt a voluntary code of restraint in reporting terrorist incidents. Back home in Washington, Mr. Meese approved subpoenas to the four national television news networks for all the film footage they shot during the 17-day hostage crisis — including "out-takes" not broadcast to the public.

Naturally, the Government did not publicly cite any specific investigative or prosecutorial need, or try to limit its demand to specify materials, or state the purpose of the subpoenas. "You can draw your own inferences about that," Terry Eastland, the Justice Department spokesman, said.

The networks, no doubt drawing the inference that the Government was on a fishing expedition designed in part to make them appear to be accomplices in the hostage affair, negotiated a narrow response to the subpoenas. Apparently they will screen their own footage and turn over only what might be useful in identifying or prosecuting the hijackers.

Even that hardly seems necessary. The Administration has insisted, after all, that it already knows the identity of the original hijackers, and there are eyewitnesses to the crimes they committed. And why couldn't the subpoenas have been limited in the first place — or the whole matter handled by private negotiation with the networks?

Grab-bag subpoenas, like those originally sought by the Government, turn network reporters and cameramen, in effect, into Government investigators, although they were assumed on the scene and at the time to be legitimate news personnel. Compliance with such orders would limit the credibility of all television newsmen and women in the future, and inhibit news sources' willingness to talk to them — not necessarily in terrorist cases alone. In such cases, however, the independence and integrity of

television may well be vital some day to prevent the deaths of hostages, if Mrs. Thatcher is right in calling publicity "the oxygen" on which terrorists depend.

Demanding to see "out-takes," moreover, is like demanding to see a print reporter's notes, and raises important First Amendment issues. Courts generally have held that when a prosecutor seeks a reporter's testimony, the prosecutor has to specify his purpose, what evidence he thinks the reporter might provide and that this evidence can be obtained in no other way. The Justice Department made no effort to do any of that.

As for Mr. Meese's proposed "voluntary code," it is already not so voluntary when proposed by the Attorney General of the United States. Nor would any code the press could or should accept be likely to silence Government or public critics.

Mr. Meese, for example, proposed that the "voluntary" code he wants should include delay in the reporting of terrorist incidents — a provision that flies in the face of a free press's commitment to reporting the news as it happens, that could only be invoked by Government request, and that if observed would properly earn for the press the resentment of those who have a right to know what's happening in the world — not just what the Government wants them to know.

Meanwhile, the Walker spy case has predictably produced a blizzard of "motherhood speeches" against spies on Capitol Hill, as well as what Senator Gary Hart called "a new willingness to get near the margin, if not invade civil liberties, to combat espionage." The House has approved lie detector tests for 4.3 million military and civilian workers, and at least four bills would reinstate the death penalty for spies.

A more useful measure, now pending, would provide funds for more frequent updating of security clearances. Even more useful would be action to force a reduction in the vast amount of senselessly classified material, hence in the thousands of workers who can classify it or need access to it, and therefore in the number of security clearances needed — all resulting in more thorough and frequent security checks on a smaller number of people. But don't hold your breath. □